Departments of Labor, Health and Human Services, and Treasury Take Action to Enhance Prescription Drug Price Transparency



9/1/2025

On June 6, 2025, the U.S. Department of Health and Human Services, Office of Inspector General (OIG) issued a favorable advisory opinion (Advisory Opinion 25-03) regarding a proposed arrangement between a physician practice (Requestor PC), independent management services organizations (Platform MSOs), and telehealth providers (Platform PCs).

Under the proposed arrangement, (i) Requestor PC would lease health care professionals (HCPs) from a Platform PC, and the leased HCPs would provide telehealth services to Platform patients covered by insurance plans with which Requestor PC has contracted, and (ii) a Platform MSO would furnish certain marketing, accounting, information technology, and administrative support services to Requestor PC. In exchange, Requestor PC would pay (i) an hourly fee for leasing HCPs based on the licensure type of each HCP (the Lease Fee), and (ii) a fee for the administrative services provided by Platform MSOs (the Administrative Fee, and together with the Lease Fee, the Service Fee). The proposed arrangement would seek to increase patient access to in-network telehealth providers — particularly in rural and underserved communities.

Upon review, the OIG concluded that the Service Fee for the telehealth professional services and the administrative services would be permissible under the Federal Anti-Kickback Statute safe harbor for personal services and management contracts and outcomes-based payment arrangements for the following reasons:

• The Agreement is in writing, signed by the parties, for a term of at least 1 year, and specifies all services provided among the parties.

• Each component of the Service Fee would be set in advance and be determined by a third party valuator to reflect fair market value, and not be based on the volume or value of referrals or other business reimbursable by Federal health care programs.

• Requestor PC pays the hourly fee for the services rendered by leased HCP, regardless of whether Requestor PC is reimbursed by third-party payors, reducing the likelihood that the fee structure is tied to referral volume or value.

• All services would comply with State and Federal laws, serve a commercially reasonable business purpose, and not exceed what is reasonably necessary to achieve that purpose.

Accordingly, the OIG determined that the proposed arrangement would not violate the Federal Anti-Kickback Statute and would not result in the imposition of sanctions.

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